



Docket: A-1028con

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Foerster et al.

Serial No: 08/858,389

Filed: May 19, 1997

For: METHODS AND DEVICES FOR MARKING
AND DEFINING TISSUE

Group Art Unit: 3733

Examiner: B. Koo

Assistant Commissioner for Patents
Washington, D.C. 20231

Plent
7-23-98
#6/B
Electron

AMENDMENT AND RESPONSE TO
RESTRICTION ELECTION REQUIREMENT

Sir:

In response to the Examiner's Office Action of May 12, 1998, please amend the above identified application as follows:

IN THE CLAIMS

Please cancel claims 19-34, without prejudice to the right of Applicant to re-file these claims in a divisional application.

Please amend claim 1 as follows:

1. (amended) A device for marking a particular tissue area within a human body to identify [a selected location] said particular tissue area for a later diagnostic or therapeutic procedure, comprising:

a discrete marker element;[and]

an apparatus for remotely delivering said marker element from outside the

B1